

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 2-19 and 24-42 are now pending. In this Reply, claims 16 and 17 have been amended. Dependent claims 39-42 have been added.

Prior Art Rejection

Claims 2-19 and 24-38 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Pavley et al.* (U.S. Patent 6,317,141) in view of *Hasegawa et al.* (U.S. Patent 6,084,169). This rejection, insofar as it pertains to the presently-pending claims, is respectfully traversed.

Independent Claims 16 and 17

Independent claim 16 is directed to a method for adjusting an image playback time of a plurality of images and a music playback time of accompanying music to substantially coincide, comprising: (a) accepting input of instructions for selecting images and music to be played back; (b) setting at least one of images to be played back, an image playback time for playing back said images, music to be played back, movies to be played back, a total playback time, a music genre, a screen switching method, and a mixing level, wherein said music is prepared separately from said images; (c) obtaining at least one of said image playback time and said music playback time from said setting of said images and said setting of said music; (d) adjusting at least one of said obtained image playback time and said obtained music playback time to make a period of a first playback time, which is the playback time for the images, substantially coincide with a period of a second playback time, which is the playback time for said music, wherein said first playback time is defined based on the number of said images and on a playback time for each of said plurality of images; and (e) processing at least one of the images and the music after said adjusting of at least one of said obtained image playback time and said obtained music playback time. As amended, claim 16 specifies that the music is segmented into a plurality of sub-sections and the setting step sets the playback time for playing back the images by synchronizing timing for switching images with a beginning of each sub-section of the music.

In a disclosed embodiment described at page 4, lines 20-26 of the specification, a digital camera includes a screen switching-setting section for setting the playback time of each of the images by synchronizing timing for switching images with a specific timing of the music. Herein, the specific timing of the music is a beginning of each sub-section of the music. Thus, each image can be switched in accordance with a beginning of each sub-section of the music. This technique for switching images with music sub-sections is shown in Fig. 8. Consequently, as disclosed at page 17, lines 11 to 19 of the specification, the digital camera of the present invention can achieve images and music being played back naturally because images are played back in a manner that matches with the progress of the music (in the disclosed embodiment).

The primary reference, *Pavley*, discloses a digital video camera that captures various types of image data, including video and still images. Col. 3, lines 55-61. Audio is recorded by an audio sub-system 142 along with video data. Col. 5, lines 37-67. As set forth on page 4 of the Office Action, the Examiner cites the video and audio editing screens of *Pavley* (Figs. 12-18) as allegedly teaching the setting step recited in claim 16.

Applicant disagrees and submits that, although the digital video camera of *Pavley* allows a user to edit media objects to be played back (see e.g., col. 12, lines 34-43), *Pavley* fails to disclose or suggest a method as recited in claim 16, which sets the playback time for playing back the images by synchronizing timing for switching images with a beginning of each sub-section of the music.

Applicant further submits, that the secondary reference, *Hasegawa*, fails to teach or suggest the setting step as recited in independent claim 16.

To establish *prima facie* obviousness, all claim limitations must be taught or suggested by the prior art and the asserted modification or combination of prior art must be supported by some teaching, suggestion, or motivation in the applied reference or in knowledge generally available to one skilled in the art. *In re Fine*, 837, F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Thus, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). The prior art must suggest the desirability of the modification in order to establish a *prima facie* case of obviousness. *In re Brouwer*, 77 F.3d 422,

425, 37 USPQ2d 1663, 1666 (Fed. Cir. 1995). It can also be said that the prior art must collectively suggest or point to the claimed invention to support a finding of obviousness. *In re Hedges*, 783 F.2d 1038, 1041, 228 USPQ 685, 687 (Fed. Cir. 1986); *In re Ehrreich*, 590 F.2d 902, 908-09, 200 USPQ 504, 510 (CCPA 1979).

In view of the above, the asserted combination of *Pavley* and *Hasegawa* (assuming these references may be combined, which Applicant does not admit) fails to establish *prima facie* obviousness of claim 16, or any claim depending therefrom. Furthermore, independent claim 17, as well as its dependent claims, define over the asserted combination of *Pavley* and *Hasegawa* based on similar reasoning to that set forth above with regard to claim 16.

Independent Claims 32 and 36

Independent claim 32 is directed to a method of making a movie playback time and a music playback time substantially coincide. The method of claim 32 comprises: (a) accepting input of instructions for selecting a movie and music to be played back; (b) setting a movie to be played back and music to be played back based on the instructions; (c) obtaining at least one of a movie playback time and a music playback time based on the setting step; (d) adjusting at least one of the obtained movie playback time and the obtained music playback time to make a period of a first playback time, which is a playback time for the movie, substantially coincide with a period of a second playback time, which is a playback time for the music, the adjusting step achieving a backup-tuned movie with coinciding movie playback and music playback times; and (e) processing said music after said adjusting of said at least one of said obtained movie playback time and said obtained music playback time. According to the method of claim 32, when total playback time is not previously designated and movie playback time is chosen as a basis for adjustment, the adjusting step adjusts music playback time so that the music playback time substantially coincides with the movie playback time. Claim 32 further specifies that, when total playback time is not previously designated and movie playback time is not chosen as a basis for adjustment, the adjusting step adjusts movie playback time so that movie playback time substantially coincides with the music playback time.

Although the digital video camera of *Pavley* allows a user to edit media objects to be played back (see e.g., col. 12, lines 34-43), *Pavley* fails to disclose or suggest a method as recited in claim 32, which, for separately prepared music and movie data, makes a period of a first playback time for playback of the movie substantially coincide with a period of a second playback time for the separately prepared music in the manner recited, whereby the music playback time is adjusted when total playback time is not previously designated and movie playback time is chosen as the basis for adjustment, and movie playback time is adjusted when total playback time is not previously designated and movie playback time not chosen as a basis for adjustment.

Applicant submits that *Hasegawa* fails to teach or suggest this adjustment technique as recited in independent claim 32. Consequently, the asserted combination of *Pavley* and *Hasegawa* (assuming these references may be combined, which Applicant does not admit) fails to establish *prima facie* obviousness of claim 32, or any claim depending therefrom. Furthermore, independent claim 36, as well as its dependent claims, define over the asserted combination of *Pavley* and *Hasegawa* based on similar reasoning to that set forth above with regard to claim 32.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103.

Conclusion

Pursuant to the provisions of 37 C.F.R. § 1.17 and § 1.136(a), Applicant hereby petitions for an extension of one (1) month in which to file a response to the outstanding Office Action. The required fee of \$120.00 is being paid concurrent with the filing of a Request for Continued Examination (RCE).

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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Amendment dated July 28, 2006
Reply to Office Action of March 29, 2006

Docket No.: 3562-0115P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,


By _____
D. Richard Anderson
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant